

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/FLN)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

ALAN HICKMAN,

Civil Action No.: 17-CV-03696-JNE-FLN

Plaintiff,

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**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Alan Hickman in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1387] filed on August 2, 2018.
3. Mr. Hickman contacted Kennedy Hodges, LLP in August of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mr. Hickman's treatment were obtained by Kennedy Hodges through its third-party medical records retrieval company. Those records indicated that a Bair Hugger device was used during his initial orthopedic surgery.

5. This case was filed on August 11, 2017 to comply with a possible statute of limitations deadline identified by counsel.
6. Phone calls were placed and letters were sent to Mr. Hickman by staff at Kennedy Hodges in an attempt to reach him and obtain information to complete the Plaintiff Fact Sheet. These communication attempts were made between August 2017 and July 2018, prior to and continuing after the original deadline for submission of the Plaintiff Fact Sheet.
7. To date, Kennedy Hodges has not received a response to these communication attempts and therefore has been unable to obtain the information necessary to complete the Plaintiff Fact Sheet.
8. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet, we have thus far been unable to cure the alleged deficiencies pertaining to the Plaintiff Fact Sheet which has been submitted for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

August 9, 2018

/s/Donald C. Green II  
Donald C. Green II